

GAHC010020282024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./280/2024

SOMESWAR @SOMESHWAR KOURANYASARMA @ SUMESH SARMA
S/O- SIVA KUMAR SARMAH,
R/O- VILLAGE -BORVETI, NALBARI,
P.S- SOOTEA,
DIST- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP ASSAM

Advocate for the Petitioner : DITUL DAS

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

02.02.2024

Heard Mr. D. Das, learned counsel for the petitioner. Also heard Mr. K.K. Parashar, learned Addl. Public Prosecutor, appearing for the State of Assam.

This is an application under Section 439 of the Code of Criminal Procedure,

1973 for granting of regular bail to the accused / petitioner, namely, Someswar Kouranya @ Someshwar Kouranya Sarma @ Sumesh Sarma, who was arrested on 16.12.2023 in connection with Sootea P.S. Case No. 136/2023 (GR No. 605/2023) registered under Sections 306 /34 of the IPC, 1860.

The allegations made in the FIR dated 16.12.2023 is that one Rahul Thapa, the ex-boyfriend of his sister (deceased) and the accused / petitioner subjected the deceased to mental torture as a result of which she committed suicide on 15.12.2023 at about 9.30 am.

Mr. D. Das, learned counsel for the petitioner submits that the accused / petitioner was in a love relationship with the deceased and has nothing to do with the suicide committed by the deceased.

Mr. K.K. Parashar, learned Addl. Public Prosecutor submits on the basis of the materials available on the Case Diary that the statement of the witnesses have been recorded under section 161 of the Cr.P.C. as well as under 164 Cr.P.C. The P.M. Report and Data Analysis Report has also been obtained. He further submits that the statement of both the accused have also been taken.

I have heard the submissions made at the bar and have perused the materials available on record.

It appears that the investigation has substantially progressed and the accused / petitioner has cooperated with the investigation. It further appears from the statements of the friend of the deceased recorded under Section 161 of the Cr.P.C. that the deceased had called her few days before committing suicide and have stated that her ex-boyfriend, i.e., Rahul Thapa has told her present boyfriend, i.e., the petitioner / accused that they had sexual relation for which the petitioner / accused has scolded her. It further appears from the statement of the accused Rahul Thapa that since his ex-girlfriend was presently in relationship with the petitioner / accused, out of jealousy he has falsely told him about having sexual relationship with her.

It appears that the petitioner / accused has been languishing in jail since last 49 days.

Considering the nature of allegations *vis-a-vis* Article 21 of the Constitution of India and length of detention, this Court is of the opinion that there is no justification in keeping the petitioner under further detention.

For the aforesaid reasons, the petitioner namely, Someswar Kouranya @ Someshwar Kouranya Sarma @ Sumesh Sarma is allowed to go on bail of Rs. 30000/- (Rupees Thirty Thousand) with one surety of like amount to the satisfaction of the learned CJM, Biswanath subject to following conditions.

(i) That the petitioner shall cooperate with the investigation.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of this case so as to dissuade such person from disclosing such facts to the Court or to the any Police Officer.

With the above observation, this bail application is disposed of.

Return the Case Diary.

JUDGE

Comparing Assistant